

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-16 are now in the application. Claims 1, 8, 9, and 13 have been amended.

Claims 6 and 7 have been cancelled. Claims 15 and 16 have been added.

More specifically, the subject matter of claims 6 and 7 has been incorporated into claim 1. Claim 15 corresponds to a combination of claim 3 with the original claim 1. Claim 16 corresponds to a combination of claim 14 with the original claim 1. As such, the amendments find support in the original claims.

We now turn to the art rejection, in which all of the claims were rejected as being obvious, under 35 U.S.C. § 103, over Tuttle (U.S. Patent No. 6,127,917). We respectfully traverse on the basis of the amended claims.

As concerns claim 1, there exists an important distinction between the claimed invention and the teachings of Tuttle. The distinction resides in the structure and functionality of the first transmitter unit (31) and the second transmitter/receiver unit (32) – see claim 1.

According to the teachings of Tuttle, there is provided a plurality of identical antennas 52 and interrogators 50 distributed of an air port zone. The Examiner's argumentation is founded on a single transmitter taken from that plurality and an other transmitter (also a single transmitter) taken from that plurality.

According to the present application, the function of the first transmitter unit 31 and the second transmitter/receiver unit 32 are completely different. The functionality is now detailed in claim 1, namely:

- the frequency of the first transmitter unit is selected so that a near field is established in the passing zone; and
- the frequency of the transmitter module is selected so that the field in the detection zone is a far field.

Further reference concerning the function of the two units and their frequencies is had to the specification, page 6, lines 17 - 35.

There is no need in the reference to store location information because it is not required to track the location. According to the claimed invention, only the presence of ticket in a zone, but not its location is required.

The foregoing statements emphasize the difference to the reference Tuttle. In that regard, the Examiner's statements concerning claims 6 and 7 are not well taken. While we agree that Tuttle indeed deals with the range of his query fields, this is done by way of adjusting the "transmitter power" or the receiver sensitivity. As stated by Tuttle:

The integrated circuit 34 is advantageous over prior art devices that utilize magnetic field effect systems because, with the circuit 34, a greater range can be achieved, and more information can be obtained (instead of just an identification number). As a result, the circuit 34 can be used for the application of the present invention, where transmission over a large range is

required. In one embodiment, the sensitivity of the cards 32 is adjustable so that only devices within an adjustable range of an antenna 52 will respond. In another embodiment, the power of the interrogator 50 is adjustable so that only devices within a certain range of an antenna 52 will respond.

Tuttle, col. 6, lines 20-31 (emphasis added).

The reference details two embodiments that concern the interrogation or response range. In one embodiment, the sensitivity (i.e., a power sensitivity) of the "ticket" is adjusted. In another embodiment, the antenna power is adjusted. Such power-type adjustments, of course, would not work in the context of the claimed invention, as they would be far too inexact. More importantly, even, Tuttle's multiple transmitters do not provide for a large field transmitter that would reach all "tickets" within a detection zone after they had been "woken up" upon entering the detection zone (i.e., by the near field at the passing zone).

Specifically with reference to the claim, Tuttle's system uses adjustments of field strength and sensitivity, while the claims call for two transmitter units that utilize different frequency ranges and have different functions.

Claim 1 is clearly patentable over the reference Tuttle.

Turning now to claim 15, we do not disagree with the Examiner's remarks concerning claim 2. We respectfully disagree, however, with the remarks concerning claim 3. There is defined not only intermittent operation, but intermittent operation with a duty cycle transmitted in the information unit to the ticket. We cannot find any hint towards such dynamic functionality in Tuttle's specification.

Claim 15 is clearly patentable over the reference Tuttle.

Turning now to claim 16, the Examiner is respectfully urged to revisit the remarks concerning claim 14. While claim 11 provides only a slight change and improvement over the base claim, claim 14 indeed provides for a very novel approach. There is no information in Tuttle that comes even close. In order to achieve intermittent bidirectional communication, it is necessary for the receivers on the ticket to "know" exactly when an information unit may be expected. This is dynamically done by the transmission of a second information unit (or item) containing a cycle time. This can be done by a first information unit (see above) transmitted with a lower frequency of 6.7 MHz or 13.5 MHz or 27 MHz or by a second information unit transmitted with a higher frequency in the range 868 to 870 MHz (example).

Claim 16 is clearly patentable over the reference Tuttle.

Applicants appreciate the Examiner's search and further citations to Fischer (US 6,617,960 B1) and to Tuttle (US 6,509,829). We agree that the claims are patentable over the additional art.

In summary, none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 15, or 16. These claims are, therefore, patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are patentable as well.

2001P03154 - Application No. 10/643,901
Response to Office action December 15, 2005
Response submitted April 17, 2006

In view of the foregoing, reconsideration and allowance of claims 1-5 and 8-16 are solicited.

Petition for extension is herewith made. The petition fee for an extension period of one month in the amount of \$ 120.00 is enclosed. Please charge any additional fees which might be due to deposit account No. 12-1099.

Respectfully submitted,



For Applicant(s)

WERNER H. STEMER
REG. NO. 34,956

WHS:bh

April 17, 2006

Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954-925-1100
Fax: 954-925-1101